

HONORABLE JAMES ROBART

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

LINDSAY DUNN,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a Delaware  
Corporation,

Defendant.

No.: 2:17-cv-333

**NOTICE OF RE-NOTED MOTION  
TO DISMISS**

**Re-Note on Motion Calendar:  
October 27, 2017**

TO: Clerk of the Court.

Please be advised that Defendant BNSF Railway Company, with Plaintiff's agreement, re-notes its *Motion to Dismiss Portions of Plaintiff's Complaint Pursuant to Fed. R. Civ. Pro. 12(b)(1) and 12(b)(6) to Friday, October 27, 2017.*

Dated this 6th day of October, 2017.

Montgomery Scarp, PLLC

s/ Kelsey Endres

s/ Tom Montgomery

Kelsey Endres, WSBA No. 39409  
Tom Montgomery, WSBA No. 19998  
1218 Third Ave., Ste. 2500  
Seattle, WA 98101  
Telephone: (206) 625-1801  
Facsimile: (206) 625-1807  
[kelsey@montgomeryscarp.com](mailto:kelsey@montgomeryscarp.com)  
[tom@montgomeryscarp.com](mailto:tom@montgomeryscarp.com)

**CERTIFICATE OF SERVICE**

I am over the age of 18 and not a party to this action. I am the assistant to an attorney with Montgomery Scarp, PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

I hereby certify that true and complete copy of *BNSF'S NOTICE OF RE-NOTED MOTION TO DISMISS* has been filed with the United States District Court via the ECF system which gives automatic notification to the following interested parties:

Bradley Crosta  
Crosta Law Office, PLLC  
999 Third Avenue, Suite 2525  
Seattle, WA 98104  
bcrosta@crostalaw.com

William Jungbauer (*admitted pro hac vice*)  
Christopher Bowman (*admitted pro hac vice*)  
Yaeger & Jungbauer Barristers, PLC  
4601 Weston Woods Way  
St. Paul, MN 55127  
wgjgrp@yjblaw.com

DATED this 6th day of October, 2017, at Seattle, Washington.

s/ Pamela Ruggles  
Pamela Ruggles, Paralegal